

Noise Ordinance Task Force Meeting
August 24, 2021

Meeting of Noise Ordinance Task Force held at 1901 S. Alamo, Room A & B and WebEx was called to order at 2:05 p.m. by Facilitator Michael Uresti.

Roll Call by Supervisor Arturo Arredondo. Those in attendance include:

Members

Gemma Kennedy
Steve Versteeg
Patricia Garcia Duarte
Colleen Waguespack
Sam Aguirre
John Brenneman
Jodie Bailey Newman
Marta Solomon
John Doski
Randell Smith
Amin Tohmaz
Savita Rai

Non-Members

Michael Uresti
Michael Shannon
Arturo Arredondo
Jenny Ramirez
Danny Liguez
Jeremy McDonald
Samantha Wickwire
Denise Hastings
Ximena Copa-Wiggins
Anisa Schell
Bianca Maldonado
Parker Dixon
Margaret Leeds
Andi Rodriguez
Marco Barros
David Uhler

Facilitator Michael Uresti began meeting updating members of the Community Meeting which occurred on August 17, 2021. DSD gave a presentation to the community, informing them of what the Task Force has been charged with. The community was in turned asked what are some of their concerns, what are some issues that they would like resolved, etc. One of the concerns was from a musician who spoke. The music industry has taken a big hit in revenue with the pandemic and they want something to protect them because the finding of a musical instrument being a noise make is concerning. Another issue from the residents is they would like quiet hours. Sixty-three decibels is allowed on

residential, and seventy decibels is allowed on commercial property. Another suggestion was that during Fiesta or special events, to allow people to operate at a higher decibel. The notes from the community meeting are online.

Amin Tohmaz – The three items or themes that were talked about were the days/times, decibels levels and enforcement. Those were the biggest themes brought up in discussion.

Sam Aguirre – For this task force the focus should be on businesses, in particular businesses close to residential areas. The other residential issues are a separate matter from the CCR.

Jodie Bailey-Newman – Councilman Perry, D10, is the second signature on the CCR and he is also trying to make sure the CCR assignment is understood. It has specific guidelines.

Gemma Kennedy – It has been mentioned multiple times about the noise for businesses.

Michael Shannon - Wants to make sure there is full understanding of the options. The CCR tasked them to look at certain things. Most of it focused on some businesses next to residential uses. The other CCR that was talked about was concerning construction noise is the wee hours of the morning or night. There were also comments about considering anything and everything pertaining to noise. Wants to be able to tell Council that the task force did what they were asked to do, but if there are other items that also need to be addressed they could be taken to council at another time.

Marta Solomon – Has been approached by different people representing their neighborhoods. Even though restaurants and bars near residential seem to be the focus, they are not the only things that disrupt. Other types of businesses can cause noise. Thinks it is acceptable for the task force to bring things up that have to do with noise pollution.

Jodie – Going through the process of the task force, we are speaking about very specific situations, specific neighborhoods. The task force is too specific to give

feedback on what is considered a citywide noise ordinance. The assignment is a very narrow assignment. It is 4% of total noise calls. The construction calls are also a minority of the calls. Would like to see a much greater situation where there are more representative from more sectors, more neighborhoods and not just specific urban neighborhoods. This is a citywide ordinance. Is aware that the assignment is food and beverage, but there are other areas of the city that are experiencing different things. Would like the task force feedback to be summarized with the percentage of the calls and overall issues. There is also a budget proposal to take enforcement and have five or six officers have budget for that. Enforcement is a huge component to what they are speaking about. A lot of the people that have specific complaints about a specific business, their feedback is that they feel like it is not seen as at its worst.

Gemma – Agrees with Jodie. For two months the task force has gone back and forth on the need for enforcement. Would like to suggest strengthening the enforcement.

Patricia Duarte – Agrees with Jodie and Gemma

Colleen Waguespack – Agrees also with Jodie and Gemma. Have to continue talking about enforcement. Cannot just look at businesses that have amplified sound. Enforcement overall has to be considered.

Jodie – The current noise ordinance is very confusing. It can easily be misinterpreted. Would recommend an escalation process, whether it is residential or commercial.

Gemma – There are two things on the table. The task force has not discussed residential close to bars. That needs to be clarified. The second is the enforcement issue.

Sam - The number one problem is addressing venues creating a nuisance for the neighborhood. There was an article that said the noise ordinance will hurt small businesses, but businesses have an obligation to the community to be good neighbors.

Jodie – Do not make the assumption that the business is not trying to uphold the law. Have not had a live band at her business in a decade.

John Brenneman – There is an establishment that has had 212 calls; not all were for noise. The problem is there are two other bars there. It is the bad actor that spoils it for all.

Amin – Sounds like everyone is saying the same thing. We need to focus on how to modify the ordinance to basically go after the bad actors and get them in line with what they need to do.

Marco Barros – His concern is the CCR was only signed by two Councilmen and one is no longer in office. If the ordinance will affect the whole city, there needs to be better representation from the rest of the council districts.

Michael Shannon – To be clear the CCR was signed by former councilman Trevino, current councilman Perry, but Ann Sandoval, Manny Pelaez and John Courage also signed it. There is continuity. Enforcement is definitely part of the CCR.

Example: When this was presented to the governance committee, one of the council members said the task force should tackle the noise from Harley Davidsons going down the street. That may be an issue to talk about in the future but would not be appropriate for what is being asked today. It could be a phase two item. Does anyone think there is something that not being discussed that should be considered.

Gemma – District 3 has a different type of noise issue. Theirs are mostly neighbors making noise and motorcycles. Racing motorcycles disturb the neighborhoods, as well as house parties.

Patricia Duarte - Besides the racing, there is the noise coming from vehicle when they are doing donuts and burning rubber on private parking lots. The people that own the businesses should be responsible for allowing this to happen on their property.

Michael Shannon – Racing and speeding is a separate violation under separate codes. DSD will do more research on the code that address vehicle noise.

Patricia - Spent two years researching with police and the media and there were threats from car clubs pushing back on any changes.

Savita Rai – Legal did write an ordinance specific to street racing and it was presented to a council committee last year through the police department and it was tabled, but there is a draft ordinance related to that issue. Perhaps the new councilwoman Viagran can have that ordinance brought back forward. This was in Chapter 19 of the City Code.

Anisa Schell – Would that ordinance also include the highway or would TXDot have to enforce, because a lot of vehicles are racing off of Highway 281 into the neighborhoods.

Capt. Randell Smith – There is a new state law allowing for seizure of vehicles will be the best deterrent. Currently, the police officers can only issue speeding citations when they catch the racers. This goes into effect September 1, 2021.

Michael Shannon – City staff will take this as an action item. Gather all the information, see how it fits in with the code. When presented to council, this will be other items of concern by the task force. Regarding enforcement, different more effective enforcement spelled out in the code, especially for bad actors. There needs to be a harsher penalty for bad actors; whether it's more fines or revoking their C of O.

John Doski – There needs to be a broad community representation for all the different noise complaints that are in the city. Relating to this CCR, has a serious concern about the citywide ordinance pertaining to enforcement. There does need to be an enforcement team in place.

Jodie – Is the pilot program with the police department or DSD.

Michael Shannon - When we get to enforcement and the appropriate penalties, we are going to have to decide on they type of penalty. Looking at the construction noise; the contractor has a permit to construct: the penalty that will be proposed will be to revoke the permit after so many confirmed violations. The City Manager is proposing a pilot program to give addition funding to Code

Enforcement for three months. It will be code enforcement responding to calls on certain nights (Thursday, Friday, Saturday) with noise meters to take readings and verify if there is a violation. Code will work with SAPD to issue citations especially in those areas that warrant a peace officer. We will report back to council on what worked well and what needs to be changed.

Capt. Smith – The police department has a program right now with the Alarms Division. There are faulty alarms that call the police officers out a number of times. The company or business will get a bill for so many false alarms that the police have to respond to. There is data kept on these type calls.

Samantha Wickwire – Was there research done to check what other cities in Texas are doing.

Savita - We have researched several cities in Texas; Dallas, Houston, Austin, El Paso, New Orleans, Los Angeles. The cities in Texas utilize police for enforcement because of some of the dangers being presented.

Capt. Smith – the House Bill is 2315, pertaining to police being able to seize racing vehicles.

Michael Uresti - We recently received a copy of the National Standards which was sent over to Legal.

Amin Tohmaz – We had to buy it because it is not online for free

Jodie – If task force members have recommendations on enforcement or ideas for best practice, who do they contact.

Michael Uresti – All suggestions and recommendation can be emailed to Michael Uresti.

Michael Shannon – As we move forward in changing the code, if it needs to be changed, it is helpful to tackle themes such as noise levels, times and where to take measurements. What would the task force like to see?

Marta – It would be more efficient to tackle the issues instead of going over the chapter word for word.

Sam – Would prefer with a theme in particular residences close to businesses with noise.

Capt. Smith – An article on New York police noise ordinance says they took out decibel readings. All the police officer needs are a pair of ears and a tape measurer. Plan audible noise standard.

Amin Tohmaz - Using just your ears can be subjective because you are depending on the officer's level of hearing and not everyone is the same.

Marta – Suggest creating a noise report card for businesses and have it posted

Marco – That would add more red tape and stress to an industry that already taken a hit during this pandemic.

Michael Uresti – Requested comments from non-task force members.

Bianca Maldonado – Anything that is adopted and rolled out should have some public awareness such as flyers, and public warnings. Speaking of high-density calls, there was a high number of call (353) from a senior living facility on Fredericksburg Road abutting the neighborhood. Why are so many calls being made for this facility? Could there be some mitigation from a S.A.F.F.E. officer or maybe there just needs to be education provided. There should be an escalation process in place for repeat offender.

Parker Dixon - Looked at other city ordinances and Austin does not allow loud businesses within 100' of residential and Dallas does not allow it within 150' during sleeping hours. To allow 63 decibels for residences is too much.

David Uhler - What is the penalty for violation the noise ordinance.

Savita – The fine can range from \$100 for first offence and can escalate to \$2,000 for repeat offenders.

Michael Shannon - There is a lot on the table; research HB 2315, other cities in Texas. Two things to think of; time lines for task force (continue thru three-month pilot program) and the task force makeup (not enough council districts involved).

Themes

1. Enforcement
 - a. Process
 - b. Penalties
 - c. TABC
 - d. Escalation
 - e. Follow-thru
2. Noise Levels
 - a. Levels
 - b. Measurement – where
 - c. Vibrations
3. Hours of Lower Levels
4. Neighborhood Mitigation
5. Amplification
 - a. Relation to residential